

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dan Lundgren
App. No : 10/591,372
Filed : June 25, 2007
For : TUBULAR BONE ANCHORING
ELEMENT
Examiner : Ralph A. Lewis
Art Unit : 3732
Conf # : 8124

DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. The following declaration is directed to establishing invention of the subject matter of the pending claims of the above-referenced application prior to the effective filing date of U.S. Patent Application No. 11/035,266 filed by Stanton R. Cantor (hereinafter "Cantor").

2. I am the inventor of the subject matter claimed in the above-referenced application.

3. I am informed that the above-referenced application has an effective filing date of March 3, 2005 by claiming priority to International Application No. PCT/SE2005/000308. In contrast, I am informed that U.S. Patent Application No. 11/035,266 filed by Cantor on January 12, 2005 has an effective filing date of January 28, 2004 by claiming priority to U.S. Provisional Application No. 60/539,633.

4. I have reviewed the amendments to the pending claims that will be filed with this Declaration, the Amendment dated July 15, 2009, the Amendment dated December 23, 2008 and the Office Action mailed on April 16, 2009 and October 30, 2009 in which the Examiner rejected Claims 1-4, 7, 10, 11, 17-20, 23-26 and 28-34 under 35 U.S.C. §102(e) as being

anticipated by U.S. Patent Publication No. 2005/0164146 (corresponding to U.S. Patent Application No. 11/035,266) by Cantor and rejected Claims 19, 20, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Cantor in view of U.S. Patent No. 5,816,813 issued to Hansson.

5. Before January 28, 2004 (the effective filing date of U.S. Application No. 11/035,266), I reduced to practice, a dental implant for supporting a dental restoration in a jawbone, the dental implant comprising a body extending along a longitudinal axis and having a coronal end and an apical end, the coronal end forming, in part, a coronal surface that extends generally transverse to the longitudinal axis and the apical end, in part, forming an annular surface that extends generally transverse to the longitudinal axis; an external surface extending between the coronal surface and the annular surface and generally facing away from the longitudinal axis of the dental implant, the external surface including a threaded surface that extends substantially to the apical end of the body; a first inner surface concentric with the external surface, the first inner surface generally facing toward the longitudinal axis of the dental implant, at least a portion of the first inner surface including internal grooves; and a second inner surface that is joined to the first inner surface along an outer circumference of the second inner surface and extends generally transverse to the longitudinal axis of the dental implant and faces in a generally apical direction. In some embodiments, the threads on the external surface extends longitudinally towards the apical end of the dental implant and the grooved surface extends longitudinally from the apical end toward the coronal end of the dental implant, wherein at least a portion of the threads on the external surface overlap at least a portion of the grooves on the first inner surface in the longitudinal direction. In some embodiments, the dental implant further comprises a third inner surface generally concentric with the external surface, the third inner surface generally facing toward the longitudinal axis of the dental implant, at least a portion of the third inner surface including threads; and a fourth inner surface that intersects with the third inner surface along an outer circumference of the fourth inner surface and extends generally transverse to the longitudinal axis of the dental implant and faces in a generally coronal direction.


6. My reduction to practice is evidenced by the attached copy of an engineering drawing of a dental implant, from which dates have been redacted. The engineering drawing was created before January 28, 2004. A dental implant corresponding to the specifications of this engineering drawing was constructed at my direction before January 28, 2004. In addition, by

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my own testing, I confirmed that this dental implant worked for its intended purpose as a dental implant before January 28, 2004. Section A-A and Detail B show that that the dental implant includes an external surface with a threaded surface that extends substantially to the apical end of the body of the implant and a first inner surface that is concentric with the external surface and includes internal grooves. The invention of the subject matter of the pending claims in the above-referenced application occurred in Sweden, a WTO member country. The reduction to practice described above also occurred in Sweden.

7. As is evidenced by the attached engineering drawing, the dental implant constructed before January 28, 2004 includes a shoulder as recited in Claims 2, 3, 4, 24, 25, 26, 66, 67 and 68 and microthreads as recited in Claims 20, 34, and 76. The constructed dental implant also included threaded grooves as recited in Claims 17, and 31. As shown in the attached engineering drawing, the dental implant also had a first inner surface with a cone shape and a cylindrical shape, and a side surface between the threaded surface and the coronal end that includes horizontal grooves as recited in Claims 45-49, 59-62 and 86-90.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Dan Lundgren

2010-01-28

Date

